UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,918	01/26/2004	Michael F. Angelo	200314543-1	2632

22879	7590	12/08/2006

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EXAMINER
DOAN, DUC T

ART UNIT	PAPER NUMBER
2188	

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28,31 and 32* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *27-28* is/are allowed.

6)☒ Claim(s) *1-26,31 and 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

Claims 1-32 have been presented for examination in this application, claims 29-30 have

been canceled, claims 1-28,31-32 are pending in this application.

Applicant's remarks filed 11/13/06 have been fully considered with the results as follows,

Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

Examiner withdraws previous rejections and applying new rejections with new

reference(s) found.

Claims 27-28 are allowed.

Claims 1-26,31-32 are rejected.

Claim Rejection 35 USC 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of

matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions

and requirements of this title.

Claims 8-13, 14-20 rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claim 8, 14 direct to a security module which is a software/program (see specification's

paragraph 21, lines 1-2). Therefore, the claimed invention is directed to non-statutory subject

matter.

All dependent claims are rejected as having the same deficiencies as the claims they

depend from.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
>
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
>
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
>
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
>
> manner in which the invention was made.

Claims 1-26,31,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Timson et al (6041412) in view of Challener (US Pub 2003/0174842). As in claim 1, Timson

discloses a method to operating security modules in a computer (Timson's Fig 1: #2 CPU

corresponding to the claim's computer, two security modules (Fig 1: #50, #60, Fig 2: #8, dual

secure data modules, column 8, lines 48-65) attaching locally to the computer. Timson does not

disclose the claim's detail acts associating with the security modules, However, Challener'842

describes a method for storing private key of one security in another security module using

establish standard such as TCPA (Challener's paragraph 6, lines 1-10) comprising the acts of:

detecting a second security module in the computer; determining whether a key associated with

the second security module is available to the first security module (Challener'842's paragraph

28, Fig 3: #54 query whether user's private key is stored on the TCM server, Fig 1: #40 that

corresponds to the claim's first security module); and obtaining the key associated with the

second security module if the key associated with the second security module is not stored at the

first security module (Challener'842's paragraph 28, server obtains the private key from the

client's security module, Fig 1: #54 that corresponds to the claim's second secure module, Fig 1:

#22; Challener's paragraph 12 discloses that the first security module, TCM server Fig 1: #40,

obtaining the private key associating with the second security module, Fig 1: #22, and providing

this key information to a client/user. Obviously, if this key has not been stored at the first

security module, the first security module, server, will obtain it from the client's computer and

save it for future referencing, in a migrating manner, see Fig 4a, paragraph 32).

It would have been obvious to one of ordinary skill in the art at the time of invention to

include the method and associating apparatus for storing private key of one security in another

security module using establish standard such as TCPA, thereby the private key of one security

module can be retrieved from another security safely with any computers enable with established

standard such as TCPA (see Challener's paragraph 8).

As in claim 2, Challener further discloses wherein the first security module is a trusted

platform module ("TPM") (Challener'842's paragraph 26 describes the server TPM Fig 1: # 40

including modules conforming to the trusted platform module specification (see Challener'842's

paragraph 6)).

As in claim 3, Challener'842's paragraph 28 further describes comprising the act of requesting the key from the second security module (claim 3; requesting private key from client's system Fig 1: 312).

As in claim 4, Challener further discloses the act of sending a public key from the first security module to the second security module if the key associated with the second security module is not stored at the first security module (Challener'842's paragraph 28 discloses when the user's private key is not stored in the first security module (Fig 1: #40 TPM server), the server Obviously send the public key (public non-migratable key of the server) to the second security module which being used to "wrap" the private key, and the second security module sends this wrapped information back to the TPM server).

As in claim 5, Challener further discloses the act of sending a public key along with validation information from the first security module to the second security module if the key associated with the second security module is not stored at the first security module (Challener'842's paragraph 31 discloses for both the requesting and responding messages, additional information to validating the messages can be sent along, for example, information associating with authorization for the sender of messages) .

As in claim 6, Challener further discloses the act of storing the key in a memory associated with the first security module (Challener'842 Fig 1: #48, #50).

As in claim 7, Challener further discloses the act of defining the key to be a private key (Challener'842's paragraphs 24, 27).

Claims 8,14,21,31 rejected based on the same rationale as in the rejection of claim 1.

Claims 9,15,22,32 rejected based on the same rationale as in the rejection of claim 2.

Claims 10,16,23 rejected based on the same rationale as in the rejection of claim 3.

Claims 11-12,17-18,24-25 rejected based on the same rationale as in the rejection of claims 4-5 respectively.

Claim 19 rejected based on the same rationale as in the rejection of claim 6.

Claims 13,20,26 rejected based on the same rationale as in the rejection of claim 7.

Conclusion

When responding to the office action, Applicant is advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Doan whose telephone number is 571-272-4171. The examiner can normally be reached on M-F 8:00 AM 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Duc Doan   Hyung S. Sough   12/07/06

Examiner   Supervisory Patent Examiner

Art Unit 2188   Art Unit 2188